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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,340	11/07/2006	Peijun Jiang	30758/50000	5962
57726 7590 01/23/2009 MILLER, MATTHIAS & HULL ONE NORTH FRANKLIN STREET SUITE 2350 CHICAGO, IL 60606			EXAMINER VERAA, CHRISTOPHER	
			ART UNIT 3611	PAPER NUMBER
			MAIL DATE 01/23/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/561,340

**Applicant(s)**

JIANG ET AL.

**Examiner**

CHRISTOPHER E. VERA

**Art Unit**

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3, 4, 7-12, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (US-1994519) in view of Danjell (US-4767477).**

As to claim 1, James teaches an illuminable sign comprising a first plate 11 of transparent glass with a three dimensional body 15a (see figure 6) disposed thereon in the shape of indicia, and a light source 13 that is located along an edge of the sign. James lacks a three dimensional body with a convex surface, but does teaches a three dimensional groove 15 with a concave surface. Danjell teaches a lighted sign intended to simulate a neon sign comprising a body 13 that has a convex surface. It would have been obvious to one of ordinary skill in the art to include three dimensional body with a convex surface, since this feature is known in the art of simulated neon signs and could have been combined by known methods to produce predictable results. James does not teach using a light source with a color temperature greater than 5000 K. The examiner takes OFFICIAL NOTICE that light sources having color temperatures greater than 5000 K are well known in the art and could have been used in the sign taught by James by known methods with no change in its function and would have yielded predictable results.

As to claims 3 and 18, James does not teach locating a three-dimensional body inside the groove 15. Danjell teaches a three dimensional body located inside a groove (see figure 3b). The claim is obvious since all the elements are known in the art and could have been combined by known methods with no change in their respective functions to yield predictable results.

As to claim 4, the groove taught by Danjell is disposed in the front surface of the plate.

As to claim 7, it would be obvious to one of ordinary skill in the art to make the groove in excess of 3 mm wide, since the mere optimization of dimensions is within the skill of one of ordinary skill in the art.

As to claim 8, James teaches a second plate that is parallel to the first plate.

As to claim 9, James teaches the three dimensional body 15a attached to both plates.

As to claim 10, James teaches an embodiment where the indicia is formed as grooves cut into the transparent plate (Figure 3). In this case, a third plate 20 is disposed between the first and second plate to provide a background for the indicia. It would be obvious to one of ordinary skill in the art to include a third plate since this would merely be a combination of known elements by known methods with no change in their respective functions to produce predictable results.

As to claim 11, James teaches a second plate disposed over the front surface of the first plate.

As to claim 12, in figure 6, the plates are shown to be optically separated.

As to claims 15 and 16, Danjell teaches a UV-hardening paste.

As to claim 17, self-hardening pastes are well known in the art of decalcomania and it would be obvious to one of ordinary skill in that art to use any of the claimed pastes to produce the decalcomania for the sign taught by James as a routine expedient.

**Claims 5, 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over James (US-1994519) in view of Danjell (US-4767477) and further in view of Blanchet (US-4811507).**

As to claims 5 and 6, James lacks details regarding the depth of grooves. Blanchet teaches an edge-lit sign with uniformly spaced grooves wherein the depth of the grooves increases with distance from the light sources. This provides uniformity in the illumination provided to the grooves. It would be obvious to one of ordinary skill in the art to construct the grooves of James with depth that increases with distance from the light source in order to achieve enhanced uniformity of illumination.

As to claim 13, James teaches a single light source that wraps around all four edges of the sign. Blanchet teaches a sign that is edge-lit by two light sources disposed on opposite edges of the sign. It would be obvious to one of ordinary skill in the art to construct the sign of James with two light sources on opposite edges, as this would be merely substitution of one known element for another and would have yielded predictable results.

***Response to Arguments***

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **CHRISTOPHER E. VERAA** whose telephone number is (571)272-2329. The examiner can normally be reached on Monday through Friday, 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. E. V./  
Examiner, Art Unit 3611

/Paul N. Dickson/  
Supervisory Patent Examiner, Art Unit 3611